

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TYJUAN GRAY,

Plaintiff,

Civil Action No. 22-10270

Honorable Jonathan J.C. Grey

v.

RYAN SMITH, JOSHUA
QUALLS, and MATTHEW
WILKINSON,

Defendants.

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**ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF No. 49)**

Pro se plaintiff Tyjuan Gray filed this 42 U.S.C. § 1983 lawsuit against defendants Ryan Smith, Joshua Qualls, and Matthew Wilkinson, alleging that they used excessive force when placing him in a restraint chair. This matter comes before the Court on Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation dated December 15, 2023. (ECF No. 49.) In the Report and Recommendation, the Magistrate Judge recommends that the Court grant defendants' motion for summary judgment (ECF No. 38) and dismiss Gray's cause of action with prejudice. (*Id.*) No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated December 15, 2023 (ECF No. 49) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that defendants' motion for summary judgment (ECF No. 38) is **GRANTED** and this cause of action is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Dated: February 12, 2024

s/Jonathan J.C. Grey
JONATHAN J.C. GREY
UNITED STATES DISTRICT JUDGE

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 12, 2024.

s/ S. Osorio
Sandra Osorio
Case Manager